

Applicant: Timothy Glass
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R E M A R K S

This is in response to the Office Action mailed on December 31, 2003. Applicant gratefully notes that the Office Action notes acceptance of all previous amendments, to the specification, drawings and abstract. Applicant acknowledges that the Office Action notes acceptance of the drawing corrections. Applicant also gratefully notes that the previous 35 U.S.C. §§ 102, 103 and 112 rejections have been withdrawn. Applicant has amended claims 1, 9 and 15 to more clearly define the present invention.

Claims 1-18 have been rejected, under 35 U.S.C. § 103(a) as being unpatentable over Ong (U.S. Patent No. 6,508,021) in view of Guignard et al. (U.S. Patent No. 2,738,075). The Office Action notes that Ong teaches the device of the present invention except for the inclusion of a support shaft and knob, which are taught by Guignard et al. The Office Action notes, (page 3, lines 12-15) that:

To one of ordinary skill in the art at the time the invention was made, it would have been obvious [to] construct the device of Ong to include a knob, as taught by Guignard et al., in order to enable the cell structure to rotate relative to said base in a stable and supported manner.

It is believed that the Office Action means that the combinations of the teachings of Ong with the shaft and knob of Guignard et al. gives rise to the present rejection. As Ong has the direct intention of having small cubes stacked one upon the other to form the claimed structure, and because in order for the cubes of Ong to be stacked, one upon the other, no impediment such as a knob could be included on the top of such a cube, Applicant believes that the inclusion of the

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shaft of Guignard et al. is what the Office Action intended as the §103 combination it suggests could be made from the cited references.

Applicant notes that the Ong disclosure clearly teaches away from any such combination and that Ong is directed against the combination, that is the use of a shaft or a shaft and knob, suggested by the Office Action. As noted in Column 2, lines 14-29:

Another object of the invention is to provide stackable storage units that can be easily separated from each other. *According to the system of the present invention, no elongated, central support structure is required to mount a plurality of modular storage units for rotation relative to each other about a vertical axis. Quite to the contrary, each storage unit includes a stand at its bottom and a top having a concave, upwardly facing cavity or recess to receive the stand of the unit positioned directly vertically above.* The stand supports the bottom of each unit with a connection thereto that allows the box-shaped structure to be rotated about a central, vertical axis relative to the stand. However, successive vertically stacked units may be instantly and easily separated from each other merely by lifting an upper unit off of the unit located directly therebeneath. (emphasis added).

Further, Ong notes, in his description of the prior art, that a previous embodiment of his invention included a vertical pole about which the individual units could be rotated, but notes that that embodiment was a failure. Among the reasons for its failure is that the unit could not be used for storage, but only display.

The device of the present invention includes a central shaft for structural purposes. The device of the present invention can be used for both storage and display. Where Ong has failed and now teaches away, Applicant has succeeded. Further, as presently amended, the device of the present invention is an elongated unitary structure as opposed to a structure created by the

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stacking of small cubical structures. Ong teaches the use of separate cubical structures and away from the use of a centralized shaft. As noted in previous responses, The teachings of Guignard et al. are inapplicable to the present invention as claimed. Ong teaches away from the inclusion of those elements of Guignard et al. suggested by the Office Action.

Applicant hereby respectfully requests reconsideration and continued examination. A sincere effort has been made to overcome the Office Action 's rejections and to place the application in allowable condition. Applicant invites the Examiner to call applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

With the above amendments and remarks, Applicant believes this application to be ready for allowance and earnestly solicits an early Notice of Allowance

Respectfully submitted,

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